

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 1:30 P.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

**F043605      Aluisi et al. v. Kolkka et al.**

Cause called and argued by James A. Alexander, Esq., counsel for appellant and by Richard Belardinelli, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, February 16, 2005 at 10:00 A.M.

**F046093      Estate of Marina Soriani Volpi, Deceased.**

The trial court's finding and order are reversed. The trial court is instructed to issue a new order authorizing the distributions as requested by Fanucchi pursuant to the power of appointment, and to reconsider the costs and expenses disallowed in the May 18, 2004, order. Fanucchi shall recover his costs on appeal, to be paid from the assets of the estate. (Prob. Code, 1002.). Dawson, J.

We concur: Wiseman, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045274      People v. Thao et al.**

The judgments are affirmed. Buckley, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044910      People v. Romero**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

- F044910      People v. Romero**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045309      People v. Pina**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F045309      People v. Pina**  
The judgment is reversed and the cause remanded with directions to conduct further proceedings consistent with this opinion.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045812      In re S.M., a Minor**  
The judgment (order) is affirmed. Dibiaso, Acting P.J.  
We concur: Vartabedian, J.; Buckley, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045379      People v. Avalos**  
The above-entitled case is submitted for decision.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F045379      People v. Avalos**

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment showing the correct date of the sentencing hearing, and to forward a certified copy to the Department of Corrections. Ardaiz, P.J.

We concur: Wiseman, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044805      The Cross Church Men's Society etc. v. Executive Committee etc. et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F046557      In re Fred C., Jr.**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.